

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SARAH ERHART, an individual,

Plaintiff,

v.

ZIMMER, INC., a Delaware corporation dba  
ZIMMER BIOMET; ZIMMER US, INC., a  
Delaware corporation dba ZIMMER BIOMET;  
BIOMET, INC., an Indiana corporation dba  
ZIMMER BIOMET; and DOES 1-10,

Defendants.

Case No. 2:22-cv-00472

**DECLARATION OF BRYAN P.  
O’CONNOR IN SUPPORT OF NOTICE  
OF REMOVAL**

I, Bryan P. O’Connor, declare as follows:

1. I am lead counsel for Defendants Zimmer, Inc. d/b/a Zimmer Biomet, Zimmer US, Inc. d/b/a Zimmer Biomet, and Biomet, Inc. d/b/a Zimmer Biomet in the above-captioned matter. I am over the age of 18 years, have personal knowledge of, and am competent to testify to the matters set forth herein. I offer this declaration in support of Defendants’ Notice of Removal.

2. On March 9, 2022, Plaintiff filed a Complaint in King County Superior Court, designated as Case No. 22-2-03423-8-SEA. A true and correct copy of the Complaint is attached as **Attachment A** to the Notice of Removal. On March 11, 2022, service of process was effectuated upon Defendants Biomet, Inc. and Zimmer US, Inc. On March 21, 2022, service of

process was effectuated upon Defendant Zimmer, Inc.

3. In her Complaint, Plaintiff alleges that she typically worked between 40 and 70 hours per week, but she was not paid at all for hours in excess of 40 in a week because she was misclassified as exempt. See Complaint at ¶¶4.5 and 4.8. Assuming she worked 45 hours per week and with requested doubling of all unpaid wages alleged to be due and owing, Plaintiff is claiming \$69,970.30 in lost wages alone. This figure is calculated as follows:

<u>Weeks</u>	X	<u>Overtime Hrs. Per Week</u>	X	<u>Overtime Rate</u>	
19 (12/2/19-4/5/20)		5		\$57.69	= \$5,480.55
5 (4/6/20-5/17/20)		5		\$46.14	= \$1,153.50
44 (5/18/20-3/21/21)		5		\$57.69	= \$12,691.80
28 (3/22/21-10/3/21)		5		\$59.72	= \$8,360.80
22 (10/4/21-3/7/22)		5		\$66.35	= <u>\$7,298.50</u>
					<b>Subtotal:</b> \$34,985.15
					<b>Doubled:</b> \$69,970.30

4. In my experience and according to my review, when a plaintiff receives a jury verdict in this type of case in Western Washington, the plaintiff's lawyer's requested fees typically exceed \$150,000.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 8<sup>th</sup> day of April, 2022, at Seattle, Washington

  
Bryan P. O'Connor

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